

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE TARIFF APPLICATION OF KENTUCKY-)
AMERICAN WATER COMPANY - PROCEDURE FOR) CASE NO.
COMPUTING REVENUE REQUIREMENTS) 10423

O R D E R

On February 22, 1989, the Attorney General's Office, Utility and Rate Intervention Division ("AG") and Lexington-Fayette Urban County Government ("Lexington-Fayette") filed a Motion to Dismiss this proceeding based on numerous grounds all of which relate to the merits of the tariff sought to be filed by Kentucky-American Water Company.

Based on the Motion to Dismiss, and being advised, the Commission is of the opinion and hereby finds that there exists numerous questions of fact which cannot be resolved without an evidentiary hearing. Accordingly, the Motion to Dismiss should be denied.

IT IS THEREFORE ORDERED that the Motion to Dismiss filed by the AG and Lexington-Fayette be and it hereby is denied.

Done at Frankfort, Kentucky this 15th day of March, 1989.

PUBLIC SERVICE COMMISSION


For The Commission

ATTEST:

Executive Director